

14718. Adulteration of butter. U. S. v. 7 Boxes (420 pounds) * * *. (F. D. C. No. 26170. Sample No. 45434-K.)

LIBEL FILED: October 26, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 5, 1948, from Houston, Minn., by the Money Creek Cooperative Creamery Assoc.

PRODUCT: 7 60-pound boxes of butter at Chicago, Ill.

LABEL, IN PART: "Creamery Butter Distributed By H. C. Christians Co., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 16, 1948. The H. C. Christians Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Federal Security Agency.

14719. Adulteration and misbranding of butter. U. S. v. Frank P. Havelka (Schuyler Creamery Co.). Plea of nolo contendere. Fine of \$75 and costs. (F. D. C. No. 25599. Sample Nos. 67053-H, 67054-H, 21652-K.)

INFORMATION FILED: January 12, 1949, District of Nebraska, against Frank P. HAVELKA, trading as the Schuyler Creamery Co., Schuyler, Nebr.

ALLEGED VIOLATION: The defendant was charged with giving a false guaranty to Wilson & Co., Inc., Omaha, Nebr., on or about September 7, 1945. It provided that all butter manufactured, sold, and delivered by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

The defendant delivered to Wilson & Co., Inc., quantities of adulterated butter on or about September 20 and September 23, 1946, and a quantity of misbranded butter on or about July 21, 1948. Wilson & Co., Inc., prior and subsequent to the dates of delivery, was engaged in the business of introducing and delivering for introduction into interstate commerce quantities of butter supplied by the defendant.

LABEL, IN PART: (Prints) "Clear Brook Creamery Butter * * * Distributors Wilson & Co. * * * Net Weight 1 Pound."

NATURE OF CHARGE: Adulteration (portion), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (portion), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the prints weighed less than the declared weight of one pound.

DISPOSITION: March 3, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$75 and costs.

EGGS

14720. Adulteration of frozen whole eggs. U. S. v. 200 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 23726, 25090. Sample Nos. 8153-K, 12200-K.)

LIBELS FILED: September 24, 1947, and July 15, 1948, Eastern District of Pennsylvania and District of Connecticut.